

REMARKS

Claims 1, 12-19, 30, and 51-54 are pending. In an Advisory Action dated January 2, 2002, the examiner indicates that amended claims 1, 30, 51 and 52 would be allowable if submitted in a separate, timely filed amendment. Presumably claims 12-19 also would be allowable, as these depend from claim 1. Thus, the only remaining issue is the allowability of claims 53 and 54. Applicants thank Dr. Saunders for discussing this case briefly on January 9, 2003, and the present amendment tracks the points presented during that discussion. More particularly, claims 53 and 54 have been amended for clarity, and claims 1, 12-19, 30, and 51-54 remain in the case. In compliance with 37 C.F.R. § 1.121(b & c), Applicants enclose marked up versions of the amended claims showing all of the relative changes. Support for these amendments can be found in original claims 1 and 30. Claims 1, 12-19, 30 and 51-54 are pending.

The present response is the second response after final, and all amendments and arguments presented in the response dated November 25, 2002, are incorporated herein by reference.

Claims 53 and 54 have been rejected as "confusing" because

base claims 1 and 30 require that the conjugate carry an enzyme while claims 53-54 require that this carry a prodrug: there is inconsistency between the base and the dependent claims. Also, other issues are raised by presenting new claims 53-54 such as lack of antecedent basis for "first targetable conjugate" and new matter.

The examiner is correct that base claims 1 and 30 require that the conjugate carry an enzyme. Claims 1 and 30 do not, however, prevent the first targetable conjugate from carrying other moieties in addition to the enzyme. In this regard, it is noted that claims 1 and 30 use "comprising" language in describing the first targetable conjugate ("which comprises a carrier portion and one or more conjugated enzymes). Thus, the first targetable conjugate may carry one or more other moieties in addition to an enzyme. A first targetable conjugate carrying moieties from different claims clearly is supported by original claim 1 and 30, which recited

a first targetable conjugate which comprises a carrier portion which comprises or bears at least one epitope recognizable by said at least one other arm of said bi-specific antibody or antibody fragment, and *one or more conjugated therapeutic or diagnostic agents, or enzymes* (emphasis added)

In addition, original claims 1 and 30 also specified that the bispecific antibody has “at least one other arm that specifically binds a targetable conjugate.” This means that the bispecific antibody can bind both a first targetable conjugate and a second targetable conjugate. For example, the first targetable conjugate might comprise an enzyme and a first prodrug that is converted to an active drug through normal biological processes, as disclosed at page 28, lines 13-14, and the second targetable conjugate might comprise a second prodrug that is activated by the enzyme on the first targetable conjugate.

Thus, claims 1 and 30 specified that the first targetable conjugate could comprise one or more conjugated therapeutic or diagnostic agents, or enzymes. To specify, therefore, that the first conjugate also comprises a prodrug, is not new matter. For clarity, applicants propose to amend claims 53 and 54 to specify that the first targetable conjugate “additionally” comprises a prodrug. Finally, applicants note that present claims 1 and 30 do provide proper antecedent basis for “first targetable conjugate.” The term “first targetable conjugate” is introduced in element (C) of claim 1 (“administering to said patient a first targetable conjugate”) and in element (B) of claim 30 (“a first targetable conjugate which comprises...”). All objections to claims 53 and 54 thus have been addressed, and entry of the amended versions of claims 53 and 54 is respectfully requested.

AMENDMENT AND REQUEST FOR RECONSIDERATION UNDER 37 C.F.R. §1.116
U.S. Application No.: 09/337,756

In view of the foregoing remarks it is believed that the application is in condition for allowance. A favorable disposition of the application therefore is solicited. Examiner Saunders also is courteously invited to contact the undersigned if any questions remain or if he believes that further discussion will advance prosecution.

Respectfully submitted,

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Date

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MARKED UP VERSION OF CLAIM AMENDMENTS

Please amend claims 53 and 54 as follows:

53. (Amended) The method of claim 1, further comprising, when said first targetable conjugate additionally comprises a prodrug, administering a second targetable conjugate which comprises a carrier portion which comprises or bears at least one epitope recognizable by said at least one other arm of said bi-specific antibody or antibody fragment, and an enzyme capable of converting said prodrug to a drug or of reconverting a detoxified intermediate of said drug to a toxic form.

54. (Amended) The kit of claim 30, further comprising, when said first targetable conjugate additionally comprises a prodrug, a second targetable conjugate which comprises a carrier portion which comprises or bears at least one epitope recognizable by said at least one other arm of said bi-specific antibody or antibody fragment, and an enzyme capable of converting said prodrug to a drug or of reconverting a detoxified intermediate of said drug to a toxic form.